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February 28, 2018

The Honorable Nancy Joseph
United States Magistrate Judge
517 East Wisconsin Avenue
Milwaukee, WI 53202

RE: United States of America v. Yosvanny Padilla-Conde
Case No.: 16-CR-175

Dear Judge Joseph,

Padilla-Conde did not join Defendant Ludke's Motion to Sever (Dkt. #40) and has taken no position thereon; accordingly, the court's scheduling orders related to the Government's proposed redactions of Padilla-Conde's statements have not included any filing deadlines or orders for him. Given this procedural posture, it is not clear whether the court would consider Padilla-Conde to have standing to offer any input on the issue. Nevertheless, Padilla-Conde believes that the Government's proposed redactions present a straightforward, and glaring, problem from Padilla-Conde's perspective.

Upon a basic review of the Government's proposed redactions of Padilla-Conde's statements, it is clear that the Government's redactions excise important exculpatory statements and context from his statements. If the Government attempted to admit the redacted statements in a trial against Padilla-Conde, Padilla-Conde would clearly be entitled to introduce the redacted portions pursuant to Fed. R. Evidence 106, which provides:

If a party introduces all or part of a writing or recorded statement, an adverse party may require the introduction, at that time, of any other part — or any other writing or recorded statement — that in fairness ought to be considered at the same time.

To the extent the court believes that Padilla-Conde does not have standing to raise this issue now, Padilla-Conde expressly reserves the right to raise the objection at trial should the situation described above present itself.



Sincerely,

/s/ Craig S. Powell

Craig S. Powell